| 2  | CHAPTER 13 STANDING TRUSTEE  P O Box 50013                                     |   |
|----|--|---|
| 3  | San Jose, CA 95150-0013  |   |
| 4  | Telephone: (408) 354-4413<br>Facsimile: (408) 354-5513                         |   |
| 5  | Trustee for Debtor(s)  |   |
| 6  |  |   |
| 7  |  |   |
| 8  | UNITED STATES BANKRUPTCY COURT<br>NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5 |   |
| 9  | NORTHERN DISTRICT  | OF CALIFORNIA - DIVISION 3  |
| 10 | In re:   |   |
| 11 | RUBEN Z GUTIERREZ JR   | ) One of the content |
| 12 |  | TRUSTEE'S OBJECTION TO DEBTOR'S   |
| 13 |  | CLAIM OF EXEMPTIONS WITH CERTIFICATE OF SERVICE   |
| 14 |  | ) CERTIFICATE OF SERVICE  |
| 15 |  | )<br>)<br>) Judga: M. ELAINE HAMMOND  |
| 16 |  | ) Judge: M. ELAINE HAMMOND  |
| 17 | Debtor   | )<br>)  |
| 18 |  |   |

Devin Derham-Burk, Trustee in the above matter, objects to the debtor's claim of exemptions for the following reasons:

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- The Trustee is unable to determine whether the Debtor is entitled to take the homestead
  exemption pursuant to C.C. P. §704.730 until the following information is provided. The
  Trustee requests that the Debtor provide her with a declaration, signed under penalty of
  perjury, stating the following
  - a. How long the Debtor has owned and resided in the residence which is being claimed as a homestead and if that time period is less than 3 years, 4 months, whether proceeds from a prior residence located in California were used to purchase the residence;

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- b. Whether any part of the value of the Debtor's residence is attributable to the transfer of any assets within the ten (10) years prior to the filing of this Chapter 13 case, with the intent to hinder, delay or defraud a creditor;
- c. Whether the Debtor has been convicted of a felony (as defined in §3156 of title 18) which is connected with an outstanding debt owed by the Debtor, as described in 11 U.S.C. §522(q)(1)(A).
- d. Whether the Debtor owes a debt described in 11 U.S.C. §522(q)(1)(B), including the following:
  - i. any violation of the Federal securities laws (as defined in §3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;
  - ii. fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under §12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;
- iii. any civil remedy under §1964 of title 18; or
- iv. any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

*Note:* If the objection to exemption is not resolved within sixty (60) days, a hearing will be set pursuant to B.L.R. 9014-1(c)(1).

Dated: November 21, 2024 /S/ Devin Derham-Burk

Chapter 13 Trustee

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## CERTIFICATE OF SERVICE BY MAIL

address is 105 Cooper Court, Los Gatos, California 95032. I served a copy of the within Trustee's

Objection to Debtor's Claim of Exemptions by placing same in an envelope in the U.S. Mail at

I declare that I am over the age of 18 years, not a party to the within cause; my business

Los Gatos, California on November 21, 2024.

RUBEN Z GUTIERREZ JR

P.O. BOX 3390

SAN JOSE, CA 95156

Said envelopes were addressed as follows:

LAW OFFICES OF AARON LIPTON 7960 B SOQUEL DR #156

**APTOS, CA 95003** 

/S/ Tania Ribeiro

Office of Devin Derham-Burk, Trustee

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